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Attorneys for Defendant
NITEK International, LLC.

UNITED STATES DISTRICT COURT

IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

NETWORK VIDEO TECHNOLOGIES, INC.,	)	Case No. C 08 2208 MHP
)	
Plaintiff,	)	DEFENDANT NITEK
	)	INTERNATIONAL, LLC's NOTICE OF
v.	)	MOTION AND MOTION TO DISMISS
	)	COMPLAINT FOR LACK OF
NITEK INTERNATIONAL, LLC and DOES 1-	)	SUBJECT MATTER JURISDICTION
10	)	UNDER F.R.C.P. 12(B)(1)
)	
Defendant.	)	Date: July 28, 2008
	)	Time: 2:00 p.m.
	)	Place: Courtroom 15, 18 th Fl.

1 PLEASE TAKE NOTICE THAT at xx a.m. on July 28, 2008, or as soon thereafter as
2 counsel may be heard, Defendant Nitek International, LLC ("NITEK") will and hereby does
3 move to dismiss the Complaint against it under Rules 12(b)(1) of the Federal Rules of Civil
4 Procedure.

5 This motion is based on the fact that there is no actual controversy to support subject
6 matter jurisdiction under the Declaratory Judgment Act, and therefore this action against NITEK
7 should be dismissed.

8 The motion is supported by a memorandum of points and authorities, the Declarations of
9 Edward L. Polanek (NITEK's Managing Member), George H. Gerstman (counsel to Nitek), Dan
10 Nitzan (NVT President), Chad Szekeres (NITEK's National Sales Manager), Carl Palash
11 (NITEK's Central Regional Sales Manager), the complete records and files of this action, the
12 arguments of counsel, and such other evidence and argument as the court may receive at the
13 hearing on this matter.

14
15 DATED: June 9, 2008

SEYFARTH SHAW LLP
ROBERT S. NIEMANN
GEORGE H. GERSTMAN (Applied for *Pro Hac Vice*)
BRIAN MICHAELIS (Applied for *Pro Hac Vice*)

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18 By 
19 Attorneys for Defendant
NITEK INTERNATIONAL, LLC

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